

NOTICE OF CERTIFICATION

(Plaza)

This Notice, made as of the ___ day of _____, 202_, by _____ [a corporation, a partnership, an individual] having an address at _____ (the “Owner”).

WHEREAS, Owner is the fee owner of certain real property located in the Borough of _____, County of _____, City and State of New York, which property is designated as Tax Block ____, Lot(s) _____ and commonly known by the street address of _____ and which is more particularly described in Exhibit A attached hereto (the “Property”); and

WHEREAS, publicly accessible open space [is proposed for] [exists on] the Property for which valuable benefits will be received in the form of additional floor area (the “Plaza”); and

[For new plazas:

WHEREAS, Owner has submitted an application designated number _____ dated _____ (the “Application”) to the Chairperson of the City Planning Commission (the “Chairperson”) requesting certification pursuant to Section 37-78 of Article III, Chapter 7 of the Zoning Resolution of the City of New York (“ZR”) that a site plan for a public plaza that complies with ZR Section 37-70 has been submitted to the Chairperson; and]

[The following 2 recitals apply only if there is existing plaza that was previously certified, and there is an existing recorded instrument(s) – use as applicable:

WHEREAS, on _____, in connection with Application No. _____ ZC_ (the “Prior Plaza Application”), the Chairperson of the City Planning Commission (the “Chairperson”) certified that such publicly accessible open space met the applicable requirements of the Zoning Resolution of the City of New York (“ZR”) (the “Certified Plaza”); and

WHEREAS, in connection with the Prior Plaza Application, a Notice of Certification was executed on _____ and recorded on _____ (CRFN _____) (the “Prior Plaza Notice”); and]

[For design changes:

WHEREAS, the Owner has proposed design changes (the “Design Changes”) to the [Certified] Plaza (the [Certified] Plaza, as modified by the Design Changes, the “Modified Plaza”) and has submitted an application designated number _____ dated _____ (the “Design Change Application”) to the [*only state in full if not previously defined:*] Chairperson of the City Planning Commission (the “Chairperson”) requesting certification pursuant to [*only state in full if not previously defined:*] Section 37-625 of Article III, Chapter 7 of the Zoning Resolution of the City of New York (“ZR”) that the Design Changes result in a plaza that is in greater accordance with the standards set forth in ZR Section 37-70; and]

WHEREAS, in connection with and as a requirement of certification, Owner is required to file a Notice of Certification with the New York City Register; and

[if there is a concurrent application for an open air café/kiosk:

WHEREAS, Owner has also submitted an application designated number _____ dated _____ to the Chairperson requesting certification pursuant to ZR Section 37-73(c) to construct and place [a kiosk] [an open air café] in the [Modified] Plaza as a permitted obstruction, which certification has a separate Notice of Certification; and]

WHEREAS, the Owner desires to restrict the manner in which the Property may be developed, redeveloped, maintained and operated in the future and intends these restrictions to benefit all the land, including land owned by the City of New York, lying within one-half mile of the Property;

THEREFORE, the Owner gives this Notice of Certification to the City of New York and future owners and to every party having any right, title or interest in the Property and their respective heirs, successors, or assigns:

1. The [Modified] Plaza shall be developed and maintained substantially in accordance with the following drawings, prepared by _____ and attached hereto as Exhibit B:

Drawing No./Title

Date

Last Revised Date

2. The [Modified] Plaza shall be accessible to the public at all times, in accordance with ZR Section 37-727, and shall be maintained in accordance with ZR Section 37-77. *[if the City Planning Commission has authorized a nighttime closing, this paragraph should be modified to reflect hours of operation]*

3. Upon certification of the [Design Change] Application by the Chairperson, the Owner shall file and duly record this Notice of Certification in the Office of the City Register,

_____ County, of the City of New York, indexing it against the Property. The Owner shall, promptly following recordation, deliver to the Chairperson a true copy of this Notice of Certification as recorded and certified by the City Register. *[for new plazas: Such recording is a precondition of the filing for or the issuance of any building permit for any development or enlargement on the Property or any construction/site preparation/filing with the New York City Department of Buildings in connection with such development or enlargement on the Property.]*

4. A duly recorded copy of this Notice of Certification shall be attached to and submitted with any application relating to the Property filed with the New York City Department of Buildings or Department of Transportation. These agencies and any other agency of the City of New York may enforce the restrictions contained herein by any method authorized by law or in equity.

5. The recording information that appears on this Notice of Certification shall be included on any Certificate of Occupancy issued in connection with the Property after such recording date.

6. *[for new plazas: No temporary or final certificate of occupancy shall be issued for any additional floor area generated by the Plaza unless and until such plaza has been substantially completed in accordance with the approved drawings therefor.]*

7. A plaza compliance report shall be provided to the Department of City Planning and the affected Community Board, pursuant to ZR Section 37-78(b).

[if there is a Prior Plaza Notice:

8. At such time as development of the Modified Plaza is undertaken pursuant to paragraph 1 hereof, this Notice of Certification shall supersede and replace in all respects the

Prior Plaza Notice, which will thereby be rendered null and void and of no further force and effect.]

IN WITNESS WHEREOF, the Owner has executed this Notice of Certification
on the date written above.

By: _____

Name:

Title:

State of New York

County of _____

On the ____ day of _____, 202__ before me, the undersigned, a notary public in and for said state, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public